

No. 11(112)-3Lab.-78/7230.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad. In respect of the dispute between the workmen and the management of M/s. Bharat Fabricators Engineers 5M/24 N.I.T., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA,
PRESIDING OFFICER
INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 88 of 1976

Between

SHRI LEKHMIR SINGH WORKMAN
AND THE MANAGEMENT OF M/S
BHARAT FABRICATORS ENGINEERS
5M/24, N.I.T., FARIDABAD

Present:—

Shri Bhim Singh Yadav, for the
workman.

Shri B. R. Grover, for the manage-
ment.

AWARD

By order No. ID/FD/1002-A-76/20321, dated 10th June, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. Bharat Fabricators Engineers 5M/24, N.I.T., Faridabad and its workman Shri Lekhmir Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Lekhmir Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings.

On the pleadings of the parties, the following issues were framed on 24th January, 1977:—

- (1) Whether the termination of services of the workman concerned Shri Lekhmir Singh was justified and in order? If not, to what relief is he entitled?
- (2) Whether the workman abandoned the services of his own?

The case was fixed for the evidence of the management. The management examined their proprietor Shri D. C. Kumar as M.W. 1 who stated that the workman worked in his factory upto 14th February, 1976 and thereafter stopped coming to the factory. He further stated that he had attended the conciliation proceedings and had given a statement there that the management did not terminate the services of the workman and the workman himself absented and that they were ready to take the workman back on duty even thereafter the workman did not turn up. He produced a copy of the statement given to the Labour-Cum-Conciliation Officer which is Exhibit M-1. He also produced conciliation report Exhibit M-2. He further stated that the workman was gainfully employed with M/s K. G. Khosla, Faridabad. He further stated that the workman had left their service and had first joined the service of M/s. Kohli Engineering Works. In cross-examination he stated that at that time there were only 5 workers working in the factory and that the strength of the workman at the time he deposed was four. He admitted that the workman concerned had claimed wages from 1st December, 1975 to 14th February 1976 under the payment of Wages Act. He produced a copy of such application filed by the workman before the appointed authority under that Act. Exhibit W-4. He further deposed that the workman had stated before the conciliation Officer that he was prepared to join duty if his wages on 14th February, 1976 to 3rd May, 1976 was paid

to him and the management had refused to make the said payment. The management then closed their case.

Then the case was fixed for the evidence of the workman. He examined himself as W.W. 1 and closed his case. He stated that his services were terminated without notice and without any fault of his. He stated in cross examination that the management did not state before the Conciliation Officer that they were ready to take him on duty. He denied employment with M/s. K. G. Khosla and M/s Kohli Engineers and stated that he was still unemployed. He admitted in cross-examination that he keeps buffalo and does his house work. Exhibit W-4 is a copy of application under the Payment of Wages Act. Exhibit W-3 is the copy of demand notice. Exhibit W-1 is a copy of letter from the workman to the management. Exhibit M-2 is a copy of conciliation proceedings. This is dated 11th May, 1976. There the Labour-cum-Conciliation Officer has recorded the statement of the representative for the management which reads that the management did not terminate his services, he himself was absent and that the management was prepared to take him back on duty. The statement of the representative for the workman reads that in case the management was prepared to pay him wages for the period after 14th February, 1976 till the date of conciliation proceedings, he could join services of the management on condition of this payment. The workman gave his demand notice after a period of 1½ months. It was proper for the workman to join his duty when the management offered him on the date of conciliation proceedings. If there was some dispute regarding his wages from 14th February, 1976 to 11th May, 1976 that could be decided under the Payment of Wages Act. It seems that the workman had no intention of joining duty on 11th May, 1976, until and unless the management promised him to pay wages, from 11th February, 1976 to 11th May, 1976. On 11th May, 1976 the workman declined to join duty

until and unless his condition for payment of wages from 14th February, 1976 to 11th May, 1976 was accepted by the management. The dispute was whether the management terminated the services on 14th February, 1976, or the workman abandoned his job on that day. I now give my finding issuewise.

ISSUE NO. 1

The employment of the workman gainfully with M/s K. G. Khosla and M/s Kohli Engineering Works is not proved. There is no documentary evidence in order to throw light as to whether the management terminated the services or the workman abandoned his job. There are only oral statements. M. W. 1, states that the workman stop at coming to the factory and W W. 1. states that the management terminated his services. In these circumstances I have to gather the intention of the parties from documents whatsoever available before me. Exhibit W. 4 is irrelevant on this point. Exhibits W-2 and W-3 are demand notice dated 30th March, 1976 and 7th April, 1977, conciliation proceedings are dated 11th May, 1976. It, therefore, follows that the workman gave his first demand notice after about 1½ months only. The management has produced a copy of their comments dated 3rd May, 1976 that they sent to the Labour Officer which contains a complaint against the workman concerned, although Exhibit M-1 reiterates that the workman himself stopped coming to the factory but it also discloses the grievances and complaints of the management against the workman. The grievance is that the workman began to work in partnership with a firm in competition with the management and the workman caused losses to the management by causing orders of work received by the competing firm and the workman took active part and therefore that competing firm could receive some orders of work and thereby the management suffered and the management also told the workman that he should not have done such a harmful Act for the management. Exhibit M-1 also discloses grievances of the management against the

workman. From a consideration of Exhibit M-1 an inference arises that it is the management who had terminated the services of the workman, because the management had such grievances and complaints against the workman which resulted in losses to the management. If that was so, the management should have held enquiry. They did not hold any enquiry. Exhibit M-1 corroborates the version of the workman that the management terminated his services but then it is again the fault of the workman who did not join the service of the management when they offered him to join their duty on 11th May, 1976, before the Labour-cum-Conciliation Officer. In these circumstances, I decide this issue as follows:—

The conclusion is that the termination of services of the workman on 14th February, 1976 was neither justified nor in order.

ISSUE NO. 2

The proceedings before the Labour-cum-Conciliation officer proved that the workman abandoned his job after 11th May, 1976, when on 11th May, 1976 he stated before the Labour-cum-Conciliation Officer that he could join duty only if the management agreed to pay him wage from 14th February, 1976 to 11th May, 1976. The workman made it a condition precedent to join his duty which condition the management did not accept at that time but even then the workman should have joined duty after 11th May, 1976, i.e. on and from 12th May, 1976, and would have

sought his remedy for the wages from 14th February, 1976 to 11th May, 1976, as per law.

As a result of my discussions on the issues, I answer the reference and give my award that the termination of services of the workman concerned Shri Lakhmir Singh on 14th February, 1976 was neither justified nor in order, but he is not entitled to reinstatement because he declined to re-join his duty on 11th May, 1976, before the Labour-cum-Conciliation Officer and laid a pre-condition. The workman concerned is not entitled to wages after 11th May, 1976 but is entitled to wages from 14th February, 1976 to 11th May, 1976. As termination on 14th February, 1976 was justified, the workman is also entitled to cost of these proceedings, assessed at Rs 200 only.

Dated the 11th July, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 659, dated the 12th July, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 12th July, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 16th August, 1978

No. 11(112)-3Lab-78/7461.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Bharat Carpets, Ltd., Gurukul Indra Prastha Estate Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 147 of 1975

between

SHRI RAVINDER DUBE WORKMAN AND THE MANAGEMENT OF M/S BHARAT CARPETS LTD., GURUKUL INDRA PRASTHA ESTATE, MATHURA ROAD, FARIDABAD

Present :—

Shri Sushil Bhattacharia, for the workman.
Shri Sudhir Chadha, for the management.

AWARD

By order No. ID/FD/59893, dated 16th September, 1975, the Governor of Haryana, referred the following disputes between the management of M/s Bharat Carpets, Limited, Gurukul Indra Prastha Estate, Mathura Road, Faridabad and its workman Shri Ravinder Dube, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ravinder Dube was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. From the pleadings of the parties, the following issues were framed by my learned predecessor on 21st January, 1976.

- (1) Whether the name of the workman was struck off the rolls on the ground of his over stay after the expiry of the sanction leave?
- (2) If yes, whether the action of the management in striking of his name is justified?
- (3) If not, to what relief is the workman entitled?

The management examined Shri Name Dass their Labour Officer and closed their case. Then the case was fixed for the evidence of the workman. The workman obtained several adjournment for adducing his evidence but lastly a settlement was arrived at between the parties. The settlement is Ex. M-1 according to which the workman has received a sum of Rs. 2200 only from the management in full satisfaction of all his claim and dues and in consideration thereof the workman gave up his dispute and all rights and claims whatsoever. A sum of Rs. 2200 was paid to the workman before his Tribunal. The dispute stand settled. While answering the reference, I gave my award that the termination of services of Shri Ravinder Dube, the workman concerned was justified and in order. He is not entitled to any relief. His all claims and dispute have been satisfied.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 22nd July, 1978.

No. 675, dated the 26th July, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 26th July, 1978.

No. 11(112)-3Lab-78/7464.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s G. S. Kochar and Co., Neelam Railway Crossing, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 177 of 1977

between

SHRI OM PARKASH, WORKMAN AND THE MANAGEMENT OF M/S G. S. KOCHAR AND CO., NEELAM RAILWAY CROSSING, FARIDABAD

Present :—

Shri B. M. Gupta, for for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/377-77/46512, dated 24th October, 1977, the Governor of Haryana, referred the following dispute between the management of M/s G. S. Kochar and Co. Neelam Railway

Crossing, Faridabad and its workman Shri Om Parkash, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Om Parkash was justified, and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 13th March, 1978:—

(1) Whether the termination of services of Shri Om Parkash was justified and in order ?
If not, to what relief is he entitled ?

The case was fixed for the evidence of the management. The management examined Sarvshri Parshotam Singh their clerk and Jaswant Taneja Cashier-Cum-Accountant and closed their case.

Then the case was fixed for the evidence of the workman. At this stage that the parties reached a settlement on 12th July, 1978 and their statements were recorded. The management had agreed to pay to the workman one and a half month's wages. In addition to this, the management had to pay earned wages, earned leave wages, bonus if due and the case was fixed for payment on 20th July, 1978.

Today, the learned representative for the management stated that the workman had been paid off on 13th July, 1978 as per the settlement dated 12th July, 1978. The workman is also not present. I believe the statement of the learned representative for the management. The dispute stands settled. I, therefore, answer the reference and give my award that the termination of services of the workman concerned Shri Om Parkash was justified and in order. He is not entitled to any relief. He has already received as per settlement and the dispute stand settled.

NATHU RAM SHARMA,

Dated the 22nd July, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 676, dated the 26th July, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Dated the 26th July, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

G. V. GUPTA, Secy.

PROTOCOL AND PUBLICITY DEPARTMENT

The 15th July, 1978

No. 53/39/78-PP(6).—The Government of Haryana has decided that the order of precedence, appended to this notification, shall be observed at all State functions in the Haryana State.

APPENDIX

Art of the warrant.

4. Governor of State within his State.
5. Former Presidents.
6. Chief Justice of India, Speaker of the Lok Sabha.
7. Cabinet Ministers of the Union.
8. Chief Minister within his State.

14. Chiefs of Staff holding the rank of full General or equivalent rank.
16. Chief Justice of High Court, within his jurisdiction, Speaker, Vidhan Sabha within his State.
17. Cabinet Ministers of the State within their respective State.
Deputy Chairman Planning Board.
Deputy Ministers of the Union.
Leader of the opposition in Vidhan Sabha within his State.
18. Officiating Chief of Staff holding the rank of Lieutenant General or equivalent rank.
19. Deputy Speaker, Vidhan Sabha within his State.
Ministers of States within their States. Puisne Judges of High Court within their respective jurisdiction.
20. Chief Commissioner (U. T.) within his Union Territory.
Deputy Ministers of the State within their respective State.
22. Member of Legislative Assembly.
Member of Parliament.
24. Chief Secretary to Government within his State.
Officers of the rank of full General or equivalent rank.
Secretaries to the Government of India (including ex-officio Secretaries).
25. Officers of the rank of Lieutenant General or equivalent rank.
26. Advocate General.
Chairman Public Service Commission.
Financial Commissioners.
27. Chairman, Income Tax Tribunal.
Commissioner of Divisions.
Commissioner Secretaries.
Income Tax Commissioner.
Inspector-General of Police.
Members, Public Service Commission.
Secretaries to Government.
28. Members, Income Tax Tribunal.
29. Additional Secretaries to Government.
Chief Engineers/Additional Chief Engineers.
Joint Secretaries to Government.
Principal Secretary to Chief Minister.
Secretary to Governor.
30. Aviation Adviser to Government.
Heads of Departments other than those mentioned in article 29.
Registrar, High Court.
31. Additional District and Sessions Judges within their respective charge.
Deputy Commissioners within their respective charge.
District & Sessions Judges within their respective charge.
Deputy Secretaries to Government.
Deputy Inspector-General of Police (CID).
Deputy Inspector Generals of Police (Ambala and Hissar Range).

32. Additional District and Sessions Judges outside their charge.

Assistant Inspector General of Police.

Deputy Commissioners outside their charge.

District and Sessions Judges outside their charge.

Superintendents of Police within their respective charge.

33. Additional Director of Health Services.

Chief Conservator of Forests.

Chief Medical Officers.

Chief Town Planner.

Deputy Director of Health Services.

Principal of Government Medical College.

Principal Senior Architect.

Medical Superintendent of Medical College.

Superintending Engineer.

Superintendents of Police outside their charge.

Super Time Scale HCS officers.

34. Chief Judicial Magistrates.

Deputy Excise and Taxation Commissioners.

Executive Engineers.

Extra Assistant Commissioners and Judicial Magistrates.

Heads of Offices not included in any article.

Secretary, Public Service Commission.

Sub-Divisional Officers (Civil),

Under Secretaries to Government.

Note. 1. The table of Precedence is meant for State and Ceremonial occasions and has no application in the day-to-day business of the State Government.

Note 2 : Persons mentioned in the table will take precedence in order of the serial numbers of the articles. The entries in the same article are arranged alphabetically. Those included in the same article will take precedence *inter se* according to the date of entry into that article. Officers under any article will be grouped into the following three categories :—

(a) Members of All India Services,

(b) Military Officers, and

(c) Other officers.

Note 3 : The order in which the posts are mentioned in any one article is not the basis for determining *inter se* seniority.

Note 4 : Where an officer by virtue of his personal standing and seniority is entitled to a rank higher than that allotted to his post in the Warrant of Precedence, the officer will be given that higher rank.

Note 5 : Chief parliamentary Secretary/Parliamentary Secretaries will be assigned places immediately after the Deputy Ministers mentioned in article 20.

Note 6 : Government Whips in the state Legislature and all members of the State Legislature who happen to be invited to State functions should be assigned precedent just after Members of Parliament in Article 22.

They will take rank in the following order :

- (i) Members of Rajya Sabha.
- (ii) Members of Lok Sabha.
- (iii) Members of Legislative Assembly.

The following members of each House may, however, take precedence over other members of that house :—

- (a) Leaders of parties;
- (b) Ex-Speakers;
- (c) Ex-Ministers;
- (d) Government Whip.

Note 7 : All ladies unless by virtue of holding an appointment themselves they are entitled to a higher position in the table, shall take place according to the rank herein assigned to their respective husband.

Note 8 : Non-officials, although not included in the Warrant, should be given a high place and sometimes a very high place in accordance with their general standing.

S. D. BHAMBRI Chief Secy.,

MAHARISHI DAYANAND UNIVERSITY ROHTAK

The 4th August, 1978

No. HRB-EA-78/5300A.—Consequent upon the resignation tendered by Shri B. K. Ashk, Lecturer, Department of English, Maharshi Dayanand University, Rohtak from the membership of the Executive Council of the Maharshi Dayanand University, in exercise of the powers conferred by sub-clause (ii) of Clause I of Statute 13 of Maharshi Dayanand University, Act, 1975, the Chancellor of the said University is pleased to nominate Dr. Sarup Singh, M. P. as member of the Executive Council of the said University for a period of one year with effect from the 12th July, 1978.

TIRLOCHAN SINGH,

Secretary to Governor, Haryana and
Chancellor, Maharshi Dayanand University,
Rohtak.

REVENUE DEPARTMENT

The 11th August, 1978

No. 4071-AR(5)-78/22600.—In exercise of the powers conferred by sub-section (4) of section 14 of the East Punjab Utilisation of Lands Act, 1949 (East Punjab Act 28 of 1949), and in supersession of Haryana Government, Revenue Department- notification No. 472AR(V)-77/5249- dated the 28th February, 1977, the Governor of Haryana hereby authorises Shri Ishwar Chandra, Financial Commissioner, for the purposes of the aforesaid sub-section in relation to Ambala Division.

No. 4071-AR(5)-78/22606.—In exercise of the powers conferred by sub-section (4) of section 14 of the East Punjab Utilisation of lands Act, 1949 (East Punjab Act 38 of 1949), and in supersession of Haryana Government, Revenue Department, notification No. 472-AR(V)-77/5249, dated the 28th February, 1977, the Governor of Haryana hereby authorises Shri V. P. Johar, Financial Commissioner for the purposes of the aforesaid sub-section in relation to Hissar Division.

H. V. GOSWAMI, Secy.